UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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CHICAGO, IL 60604-3590

AUG 2 2 2011

REPLY TO THE ATTENTION OF:

E-19J

Robert F. Tally, Jr., Division Administrator
Federal Highway Administration - Indiana Division
575 North Pennsylvania St., Room 254
Indianapolis, IN 46204

Michael B. Cline, Commissioner
Indiana Department of Transportation
100 North Senate Ave., Room N642
Indianapolis, Indiana 46204

RE: I-69 Evansville to Indianapolis, Tier 2 Final Environmental Impact Statement (FEIS) for Section 4: Crane NSWC to Bloomington, Indiana. CEQ No.: 20110228

Dear Mr. Tally and Mr. Cline:

The U.S. Environmental Protection Agency Region 5 (EPA) has reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Section 4 of the I-69 Indianapolis to Evansville, Indiana project. We offer our comments under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.

The Section 4 Tier 2 FEIS is the fourth of six Tier 2 FEISs EPA reviewed for the Federal Highway Administration (FHWA) and Indiana Department of Transportation's (INDOT) proposed 142-mile-long I-69 Indianapolis to Evansville Project. I-69 is currently proposed as a freeway facility that utilizes interchanges for access control. Section 4 extends for approximately 26.7 miles from just east of US 231 to State Road 37 (SR 37). The proposed Section 4 new terrain roadway would cross numerous streams (many assessed as moderate or high quality), numerous karst features of high importance, steep slopes, and large tracts of intact forest land in substantially rural areas of Greene and Monroe Counties.

The Section 4 FEIS Refined Preferred Alternative 2 is a refined version of the Section 4 DEIS Preferred Alternative 2. The refinements are identified as minor changes in profile grade and local access design, and shifts in the proposed right-of-way. Refined Preferred Alternative 2 is comprised of subsection alignments Refined 4A-2, Refined 4B-1, Refined 4C-2, Refined 4D-1, Refined Hybrid 4E-1/4E-2, Refined 4F-3, 4G-2 and Refined 4H-2 and includes three proposed interchanges (Option 1) at SR 45, the Greene/Monroe County Line (with a South Connector Road), and SR 37. Impacts

associated with the FEIS Refined Preferred Alternative 2 are not substantially different from those identified for the DEIS Preferred Alternative 2. However, the estimate of linear feet of stream relocations has substantially increased for all DEIS alternatives. Stream relocations for the Refined Preferred Alternative 2 has increased from 22,658 linear feet (initial design criteria) / 16,315 linear feet (low-cost design criteria) in the DEIS to 37,325 linear feet (initial design criteria) / 30,861 linear feet (low-cost design criteria) in the FEIS.

EPA reviewed and commented on the Tier 2 Section 4 DEIS and rated the DEIS Preferred Alternative 2 as "EC-2, Environmental Concerns-Insufficient Information" in our letter dated October 28, 2010. EPA concerns related primarily to the project having the potential for direct and indirect adverse impacts to surface and groundwater quality and quantity in relation to streams/ponds/wetlands, drinking water supplies (wells and springs) and associated public health risks, particularly in karst areas and other challenging environments. We specified that, in order to fully assess environmental impacts, additional analysis regarding the vulnerability of water resources should be undertaken and additional mitigation measures identified in the FEIS. We also provided comments and recommendations regarding EPA Class V permits under the Safe Drinking Water Act, and air quality conformity. EPA concurs with FHWA's air conformity determination.

We find the FEIS is informative and generally responsive to most of our DEIS concerns and recommendations regarding the proposal. For example, the FEIS text has been modified to more accurately reflect the assessment of stream quality in Section 4. Table 3 of Appendix A of the Stream Evaluation Report (FEIS Appendix M) provides stream identification numbers and identifies whether a bridge or a particular culvert size is being proposed for a particular stream stretch for Refined Preferred Alternative 2 (initial design criteria). While the text of the FEIS does not elaborate on stream riffle-pool complexes the FEIS states that realignment of surface streams or impacts to riffle-pool complexes, and natural stream geomorphology will be avoided where reasonable. A firm commitment (page 7-30) is made that wetlands and other water resources will be actively avoided throughout the final design of the Section 4 roadway. The FEIS incorporates EPA's recommended language regarding EPA Class V permits. It includes new Tables 5.24-2a and 7-1a *Best Management Practices in Karst Terrain.* A firm commitment is made that if active groundwater flow paths are discovered, measures will be taken to perpetuate the flow and protect water quality (page 7-55). The FEIS includes an update on the status of potential mitigation sites for Section 4. It also includes the air quality conformity finding and supporting documentation.

The FEIS provides additional information with the addition of Figures 5.24-4 (Land Use Changes by 2030 for the No-Build Scenario), 5.24-5 (Karst Features Identified within Karst Study Area), and 5.24-6 (Impacts of I-59 Section 4 and Other Major Projects Within the Section's Geographic Scope) to spatially identify areas where surface and groundwater resources are vulnerable as a result of potential induced growth associated with Section 4. However, the FEIS provides minimal analysis of the information presented. In addition, regarding karst environments. A single, spatial overlay map of the Traffic Analysis Zone (TAZ) Induced Growth data included in Figure 5.24-1, the soil septic absorption data included in Figure 5.24-4, and the karst feature densities included

in Figure 5.25-5 would provide a better understanding of potential stressors to karst resources and water supplies stemming from potential induced development. Additionally, this analysis would be strengthened by including the location of specific known karst features, the location of existing private water wells (previously included in Figure 4.3-4), and springs used for individual potable water supplies.

Throughout the FEIS and Survey of Karst Resources Report, FHWA/INDOT have committed to developing mitigation measures for karst features consistent with the 1993 Karst MOU signed by INDOT, Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM) and U.S. Fish and Wildlife Service (USFWS). The 1993 MOU established the framework for ensuring that INDOT's transportation projects are constructed in an environmentally sensitive manner that protects groundwater quality, public health and safety, and the environment. The terms and conditions included in the MOU are adequate, provided karst resources, impacts, and Best Management Practices (BMPs) and mitigation alternatives are considered during the preliminary design phase of the project. Rigorous implementation of the MOU is critical to prevent potential irreparable impacts to karst resources and adverse effects on public safety. According to the FEIS most of this work will take place after the Section 4 Record of Decision is issued.

The FEIS is not clear regarding when and what specific steps will be taken during preliminary design phase to further identify karst features and explain how that information will be used to identify committed mitigation measures for incorporation in the final design, construction and operation of the Section 4 Preferred Refined Alternative 2.

We provide detailed comments in the enclosure to this letter regarding EPA's outstanding concerns and make additional recommendations regarding measures the FHWA/INDOT could take to help ensure the environment, public health and safety are adequately protected.

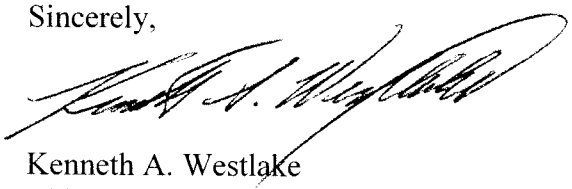
Appendix KK of the Section 4 FEIS provides an updated running tally of the direct impacts to resources of concern of the overall I-69 Indianapolis to Evansville project, as we requested. The resources being tallied and tracked are new acres of right-of-way, farmland impacts, forest impacts, wetland impacts, floodplain impacts, residential impacts, business impacts, and now includes karst feature impacts. The tally does not include stream impacts or cumulative impacts. We recommend stream impacts be tracked as well.

We appreciate the additional information regarding INDOT's tracking system. We reiterate our request that all future Tier 2 EISs for I-69 (Sections 5 and 6) include a detailed explanation of the tracking system and any updates made to the system. INDOT is using the tracking system to help ensure that the overall I-69 project's impacts are identified and all Tier 1 and Tier 2 NEPA mitigation commitments. EPA understands that the tracking system will track three types of mitigation: 1) mitigation commitments required by regulation or permit conditions; 2) other mitigation commitments made in the EIS in response to public or agency comments; and 3) other mitigation measures that will get "further consideration." To date, EPA has received only the February 22, 2010

annual monitory report. Please send us the second I-69 annual monitoring report as soon as it is available.

If you have any questions about EPA's comments, please contact me at 312-886-2910 or westlake.kenneth@epa.gov or Virginia Laszewski at 312-886-7501 or at laszewski.virginia@epa.gov. Please send EPA a copy of the Record of Decision for Section 4 when it is available.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: 1

cc: U.S. Army Corps of Engineers – Louisville District, Attention: CELRL-OP-F, P.O. Box 59, Louisville, KY 40401-0059 (Greg McKay)
U.S. Fish and Wildlife Service, Region 3, Bloomington Ecological Services Office, 620 S. Walker Street, Bloomington, IN 47403-2121 (Scott Pruitt)
Indiana Department of Environmental Management, Office of Water Quality, Section 401Water Quality Certification Program, 100 N. Senate Avenue, MC 65-40, Indianapolis, IN 46204-2251 (Randy Braun)
Indiana Department of Natural Resources, 402 W. Washington St., Rm W264, Indianapolis, IN 46204 (Matt Buffington)

EPA Comments Concerning the I-69 Evansville to Indianapolis,
Tier 2 Final Environmental Impact Statement (FEIS)
Section 4 – Crane NSWC to Bloomington, Indiana
CEQ No. 20110228

Review of the FEIS indicates that most of EPA's DEIS concerns and recommendations are addressed in the FEIS. The FEIS provides additional information with the addition of Figures 5.24-4 (Land Use Changes by 2030 for the No-Build Scenario), 5.24-5 (Karst Features Identified within Karst Study Area), and 5.24-6 (Impacts of I-59 Section 4 and Other Major Projects Within the Section's Geographic Scope) to spatially identify areas where surface and groundwater resources are vulnerable as a result of potential induced growth associated with Section 4. However, the FEIS provides minimal analysis of the information presented.

Throughout the FEIS and Survey of Karst Resources Report, FHWA/INDOT have committed to developing mitigation measures for karst features consistent with the 1993 Karst MOU signed by INDOT, Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM) and U.S. Fish and Wildlife Service (USFWS). The 1993 MOU established the framework for ensuring that INDOT's transportation projects are constructed in an environmentally sensitive manner that protects groundwater quality, public health and safety, and the environment. The terms and conditions included in the MOU are adequate, provided karst resources, impacts, and Best Management Practices (BMPs) and mitigation alternatives are considered during the preliminary design phase of the project. According to the FEIS most of this work will take place after the Section 4 Record of Decision is issued.

The FEIS is not clear regarding when and what specific steps will be taken during preliminary design phase to further identify karst features and explain how that information will be used to identify committed mitigation measures for incorporation into the final design, construction and operation of the Section 4 Preferred Refined Alternative 2 to help insure that environmental resources such as surface water and groundwater, drinking water supply wells and karst resources will not be adversely impacted.

The following comments, for the most part, identify EPA's outstanding concerns in more detail and make additional recommendations regarding measures the FHWA/INDOT could take to further help insure environmental resources, public health and safety are adequately protected.

Please note that the date of EPA's response letter to FHWA/INDOT's responses to EPA DEIS comments is March 9, 2011 and not March 8, 2011, as stated frequently stated in the FEIS.

WATER RESOURCES

Streams: Stream impacts are the major aquatic issue for Section 4 of the proposed I-69 highway. The FEIS includes additional attention to overall stream quality. Stream impact discussions have been revised in the FEIS to include a habitat quality weighting of stream impacts in order to incorporate additional information regarding stream quality. Tentative structures (bridges or culverts) for each potential stream crossing are identified on Appendix A - Tables 3 and 4 of the Stream Evaluation Report found in Appendix M. The FEIS acknowledges the need to identify adequate sedimentation control for construction impacts, including steep terrain. Potential Best Management Practices (BMPs) are identified and it is recognized that INDOT will work with IDEM to further identify suitable measures for erosion control. Stream inventory numbers appear to be shown on several FEIS maps; however, the numbers are for the most part are illegible and stream inventory identification numbers are not included in the stream discussions in the FEIS, as we requested. We continue to recommend that all streams with riffle-pool structures be bridged and that the bridges span a stream's 100-year floodplain whenever feasible.

Compensatory Mitigation: The FEIS provides an update on the development of compensatory mitigation for wetland and stream impacts. The FEIS Biological Assessment includes an updated compensation mitigation plan since the DEIS. The FEIS acknowledges that wetland and forest mitigation requirements will be calculated in acres and stream mitigation requirements will be calculated in linear feet in consultation with IDEM and the Corps during permitting for Section 4. The FEIS currently identifies that mitigation for Preferred Refined Alternative 2 would be between 15.79 and 29.14 acres for wetland impacts between 5.26 to 13.09 acres. Assuming 1:1 mitigation ratio, the FEIS identified required mitigation for stream impacts would range from 93,196 linear feet to 111,247 linear feet (page 7-62).

We continue to recommend that riparian buffers in specified minimum widths need to be used to protect stream stability and quality. The FEIS identifies that if the mitigation site(s) are turned over from INDOT to another long-term management agency or land steward, the receiving agency or land steward would be taking the responsibility to cover this cost. This will need to be included in the land transfer documentation from INDOT to the long-term manager.

Clean Water Act (CWA) Section 404: EPA reserves its right to provide additional review and comment regarding wetlands and streams during the U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 permitting process.

EPA reiterates its position that the quantity and quality of stream resources proposed to be relocated or permanently lost in this project, will need formal compensatory mitigation in CWA 404 permitting, no matter what permitting tool is chosen by the Louisville District of the Corps of Engineers. Any of these streams that prove to be outside of current Federal jurisdiction should be mitigated under any applicable State jurisdiction and/or under NEPA.

KARST RESOURCES

Analysis of Karst Impacts as part of the Alternatives Consideration Process
Table 6-17 in the FEIS presents the *Comparative Impact Summary* for the Section 4 Alternatives. It unclear exactly how the "Areas of Importance" factored into the overall comparative impacts summary. The karst-related information presented in Table 6-17 includes only the number of karst features to be impacted by each alternative. It would be helpful to see how the "Areas of Importance" factored into the karst impacts component of the *Comparative Impact Summary.*

Section 5.21.3.7 of the FEIS justifies not sampling flora and fauna in all the potentially impacted caves, in part, by stating that some [karst] features such as those in "cut sections" would not be hydrologically impacted since the highway drainage will be below the feature. However, EPA understands that the exposure of the karst feature during construction (excavation and blasting) could have significant impacts on the biota since many are "cave obligate species," which exist only within a very narrow range of temperature and humidity.

Potential Impacts to Unknown Subsurface Karst Features
FHWA/INDOT have committed to minimizing impacts to unknown karst features through stipulations included in the 1993 Karst Memorandum of Understanding (MOU) signed by INDOT, IDNR, IDEM, and USFWS. However, EPA understands that early identification of karst feature locations and extents could advance the selection of potential mitigation measures and thus minimize potential impacts associated with construction activities. We recommend that INDOT consider that the geophysical surveys be conducted during the preliminary engineering phase of the design, prior to earth-disturbing activities. We recommend that a commitment be made by FHWA/INDOT to use "non-invasive ground disturbance" geophysical survey means in the identified "Areas of Importance" or other high-density karst feature areas along Refined Preferred Alternative 2. We recommend that the geophysical surveys be conducted during the preliminary engineering phase of the design, prior to earth-disturbing activities.

Potential Impacts on Drinking Water Quantity and Quality and Induced Growth
The addition of Tables 5.21-2a and 7-1 provides a list of potential Best Management Practices (BMPs) in Karst Terrain. In addition, FHWA/INDOT commit to perpetuate flow and protect water quality if active groundwater flow paths are discovered. Figures 5.24-4, 5.24-5, and 5.24-6 have been added to the FEIS to spatially identify areas where surface and groundwater resources are vulnerable as a result of potential induced growth associated with Section 4.

With regards to karst environments, a single, spatial overlay map of the Traffic Analysis Zone (TAZ) Induced Growth data included in Figure 5.24-1, the soil septic absorption data included in Figure 5.24-4, and the karst feature densities included in Figure 5.25-5 would provide a better understanding of potential stressors to karst resources and water supplies stemming from potential induced development. Additionally, this analysis would be strengthened by including the location of specific known karst features, the

location of existing private water wells (previously included in Figure 4.3-4), and springs used for individual potable water supplies.

Baseline water quality sampling data is not included in the FEIS as EPA recommended. Baseline water quality sampling of karst features is anticipated as part of the monitoring and maintenance plan that will be developed in accordance with Item #8 of the Karst MOU. The timing for implementing Item #8 of the Karst MOU is unknown and thus it is unclear at which point within project delivery the baseline sampling will occur. EPA recommends that FHWA/INDOT commit to complete the requested baseline water quality sampling prior to the start of construction activity.

No analysis or discussion is included in the FEIS on the adequacy of currently in-place local, county, and state provisions that address residential and commercial development and long-term on-site wastewater treatment.

Karst Fauna Study Methodology

Chapter 5.21 of the FEIS was revised to include further explanation on how caves were selected for fauna studies. However, response to comment AF002-64 states, ". . . Dr. Lewis did not have the connectivity data to determine the appropriate scope for cave surveys in the context of the Section 4 project." The FEIS is unclear as to who specifically was responsible for developing the karst fauna survey scope and why a recognized cave fauna/flora expert, such as Dr. Lewis, was not consulted during the scoping phase of the project.

The *Tier 2 Studies, Survey of Karst Features Report Addendum No. 1, Section 4, US 231 to SR 37* includes information on a new cave that was identified through the project's public outreach effort. This new cave has been added to the impact summary for all alternatives considered. The FEIS indicates that a site visit was conducted to this new feature on March 8, 2011. FHWA/INDOT subsequently determined, "no insects, invertebrates, or other fauna were observed inside the cave during the March 8, 2011 field review." The FEIS is, however, unclear as to whether or not a recognized cave biologist was consulted and what methodology/protocol was used to make this determination.

Variability in Flow Conditions as Part of the Pollutant Loading Analysis

As recommended in USEPA's October 28, 2010 comment letter, FHWA/INDOT revised the pollutant loading analysis to include the analysis of a typical versus extreme runoff event. The revised scenario presents a result more representative of natural conditions. The results of this analysis are included in the *Tier 2 Studies, Survey of Karst Features Report Addendum No. 1, Section 4, US 231 to SR 37.*

Construction Blasting

Efforts to minimize impacts to the Indiana bat and Winter Action Areas (WAAs) are acknowledged in the FEIS. However, it is unclear as to how specifications developed through consultation with the USFWS aimed at protecting Indiana bat hibernacula will also help minimize impacts to water wells [as noted in FHWA/INDOT comment response AF002-39] or the biological and structural integrity of other karst features.

We understand that there are statutes and regulatory limits that regulate construction blasting. These limits may be in the form of measured peak particle velocities (ppv) or horizontal distances from the blast site(s). There are established national and state regulatory threshold ppv limit values that, when exceeded, may cause damage to structures or wells. However, we are unaware of any threshold limit values for natural karst environments. The FEIS fails to specifically address how the project will approach, monitor, and mitigate the effects of construction blasting on the impacted karst features and/or wells.

Conducting geophysical surveys over known caves and/or concentrated karst features would provide data on the depth to a feature, size of a feature, the cap rock thickness above a feature, and the relative competency of the cap rock. Knowing these parameters would significantly decrease the probability of the construction blasting having a negative effect on karst features. Additionally, it could assist in delineating areas along the Preferred Alternative where construction blasting should be prohibited.

EPA recommends that a commitment be made by FHWA/INDOT to use "non-invasive ground disturbance" geophysical survey means in the identified "Areas of Importance" or other high-density karst feature areas along the Refined Preferred Alternative 2. It is recommended that the geophysical surveys be conducted during the preliminary engineering phase of the design, prior to earth-disturbing activities.

Identification of Mitigation Measures for Karst Areas

The FEIS acknowledges that the Design/Build method is not anticipated to be a major component of the Section 4 project delivery. However, FHWA/INDOT's response to comment AF002-3 states that the Design/Build delivery method could "potentially" be chosen. Due to the complexities of the karst environment and the unknown location and number of karst features, we recommend that within sections of the Refined Preferred Alternative 2 where significant karst features are present (e.g., areas of high density or designated "Areas of Concern") the Design/Bid/Build project delivery method be utilized. The Design/Bid/Build delivery method will provide opportunities to further identify the type and location of karst impacts in the Refined Preferred Alternative 2 project area, which will facilitate the selection of appropriate project-specific design elements/BMPs before construction begins. The FEIS is unclear as to when a decision will be made regarding the project delivery method.

Suggestions for Mitigation

Throughout the FEIS and Survey of Karst Resources Report, FHWA/INDOT have committed to developing mitigation measures for karst features consistent with the Karst MOU signed by INDOT, IDNR, IDEM, and USFWS. The MOU established the framework for ensuring that transportation projects are constructed in an environmentally sensitive manner that protects groundwater quality, public health and safety, and the environment. The terms and conditions included in the MOU are adequate, provided karst resources, impacts, and BMPs and mitigation alternatives are considered during the preliminary design phase of the project.

We understand that appropriate BMP selections will be made on a case-by-case basis and that the designer and contractor will not be limited to the measures included in Table

5.24-2a and Table 7-1a. EPA recommends that any additional BMPs and/or new technologies considered be implemented at the discretion of the resource agencies and in accordance with stipulations outlined in the Karst MOU.

Rigorous implementation of the MOU is critical to prevent potential irreparable impacts to karst resources and adverse effects on public safety. Based on a review of the Section 4 FEIS and the Section 4 Survey of Karst Features Report, the following items have been identified as potential irreparable resource and/or safety impacts associated with construction of the Section 4 FEIS Refined Preferred Alternative 2 and recommend this be addressed in the ROD.

Cave Collapse - Potential collapses or subsidence events pose a threat to both natural ecosystems and infrastructure in karst environments. Construction of Section 4 as proposed has the potential to increase the likelihood of such occurrences if appropriate design measures are not identified and implemented early in the project development process. Such events are typically irreparable as they can have detrimental effects on sensitive cave environments and biota. There is also an inherent public safety concern related to collapse and subsidence events in areas of high karst feature density. This inherent safety concern could potentially be compounded through highway construction activities and highway operation.

Backfilling of Caves - Backfilling of caves and karst voids can have negative impacts on sensitive cave ecosystems, water quality, and water quantity. Backfilling these areas eliminates essential habitats for cave biota and fauna, impacts animal migration, and impacts air flow, while also posing threats to water quality and quantity. The damming effect caused by backfilling could redirect water into other sensitive subsurface ecosystems that are currently dry, sever groundwater recharge flow paths, or cause a blow out on the ground surface or beneath a constructed roadway embankment section.

Hazardous Materials Spills - Karst recharge features provide a direct conduit to groundwater resources. This level of connectivity increases the likelihood that a hazardous material spill along the Section 4 corridor would have detrimental impacts to karst ecosystems and ground water resources. The potential for hazardous materials to reach the karst network untreated poses a serious health and safety concern to residents, land operators, and business owners who rely on groundwater for drinking water and production activities.

Construction Blasting - Construction blasting associated with constructing Section 4 has the potential to have direct impacts on groundwater flow, water availability for residential and commercial uses, and sensitive karst ecosystems and biota. Blasting in areas of high karst feature density can increase an area's susceptibility to future collapses and subsidence events; both of which pose safety concerns to the travelling public.

Water Quantity - Construction of Section 4 has the potential to result in irreversible impacts to water availability as a result of groundwater flow path severance. Construction activities, including cuts, fills, and blasting, have the potential to alter surface and subsurface features in such a way that recharge areas are reduced and new flow paths are established.

Water Quality Impacts Associated with Induced Development - Areas of anticipated induced growth have been identified in the FEIS. As acknowledged in the FEIS, there are areas within the anticipated induced growth areas where natural conditions make surface and groundwater particularly vulnerable. This includes known karst environments where individual karst features have not been inventoried. There is potential for Section 4 to spur induced development in these areas that poses a threat to sensitive karst environments, water quality, and safety. The potential for irreparable impacts is high if local review and design processes and local planning and development regulations are not considered as induced development activity occurs.

AIR QUALITY

Air Conformity: The FEIS includes the FHWA conformity determination, discussion and supporting documentation. EPA has reviewed this conformity determination and concurs.

Greenhouse Gases/Climate Change: The FEIS does not specifically identify and discuss any anticipated effects of climate change on the project. We continue to recommend that stormwater management systems be designed with extra capacity, given that the frequency and intensity of precipitation events is likely to increase due to climate change.

Air Quality Mitigation During Construction: The FEIS explains that INDOT's construction policies do not provide for specific emissions criteria for diesel-fueled construction equipment beyond those that are already federally mandated. The FEIS states that such polices may be considered in the future. We continue to recommend that clean diesel strategies be employed during construction.

UNDERGROUND INJECTION CONTROL (CLASS V PERMITS)

Permits (Section 5.23.8 EPA Class V Permits, and Chapter 7: The FEIS includes EPA's suggested changes regarding Class V permits. For additional information regarding EPA Class V permits and UIC program, contact Ross Micham, at 312/886-4237 or at micham.ross@epa.gov.